

DAVIDSON BERQUIST

Fax: 7038946430

Oct 20 2010 17:35

P. 03

OCT 20 2010 3:58PM HP LASERJET 3200

P. 2

RECEIVED  
CENTRAL FAX CENTER

OCT 20 2010

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/84 (07/09)

Approved for use through 07/31/2012. OMB 0851-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
2786-0002

First named inventor: John F. Szaro

Application No.: 40/572,359

Art Unit: 3711

Filed: March 16, 2006

Examiner: Unassigned

Title: Pop-up Sports Training Assemblies and Related Devices and Methods

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the  
United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set  
for reply in the office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed  
before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

**1. Petition Fee**☒ Small entity fee \$ 810 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 4.27.☐ Other than small entity fee \$ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Transmittal of Fees of \$1,420 (identify type of reply):

☐ has been filed previously on☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$

☐ has been paid previously on☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

10/25/2010 TL0022 00000008 501860 10572359

810.00 DA 05 FC:2453

DAVIDSON BERQUIST

Fax: 7038946430

Oct 20 2010 17:35

P. 04

OCT 20 2010 3:58PM HP LASERJET 3200

RECEIVED  
CENTRAL FAX CENTER

P. 3

OCT 20 2010

PTO/SB/64 (07-08)

Approved for use through 07/31/2012, OMB-0664-0001  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee.

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity), disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

John F. Szaro  
Signature  
John F. Szaro  
Type or Printed name  
9910 Marquand Drive Burke, VA 22015  
Address  
Address

October 20, 2010  
Date  
Registration Number, if applicable:  
(703)609-9221  
Telephone Number

- Enclosures:
- ☒ Fee Payment
  - ☐ Reply
  - ☐ Terminal Disclaimer Form
  - ☐ Additional sheets containing statements establishing unintentional delay
  - ☒ Other: Notification of Insufficient Fees; Notification of Abandonment

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

October 20, 2010  
Date

Kimani Clark  
Signature

Kimani Clark  
Typed or printed name of person signing certificate

(Page 2 of 2)

RECEIVED  
CENTRAL FAX CENTER

OCT 20 2010



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/572,359	FIRST NAMED APPLICANT John F. Szaro	ATTY. DOCKET NO. 23505940033
---	--	---------------------------------

32790  
GARY L. SHAFFER  
901 BANKS PLACE  
ALEXANDRIA, VA 22312

INTERNATIONAL APPLICATION NO. PCT/US05/36533
LA. FILING DATE 10/14/2005
PRIORITY DATE 10/14/2004

CONFIRMATION NO. 1155  
371 FORMALITIES LETTER



Date Mailed: 07/07/2008

### Notification of Insufficient Fees (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Priority Document
- Copy of the International Application filed on 03/16/2006
- Copy of the International Search Report filed on 03/16/2006
- Oath or Declaration filed on 03/16/2006
- Request for Immediate Examination filed on 03/16/2006
- U.S. Basic National Fees filed on 03/16/2006
- Priority Documents filed on 03/16/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$700 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$1140 for a Large Entity:

- \$130 Surcharge.
- The application search fee has not been paid. Applicant must submit \$100 to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit \$210 to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

Total additional claim fee(s) for this application is \$700

- \$700 for 14 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

page 1 of 2

FORM PCT/DO/EO/923 (371 Formalities Notice)

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPP.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

RECEIVED  
CENTRAL FAX CENTER  
OCT 20 2010



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1430  
Alexandria, Virginia 22313-1430  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/572,359	FIRST NAMED APPLICANT John F. Szaro	ATTY. DOCKET NO. 23505940033
INTERNATIONAL APPLICATION NO. PCT/US05/36533		
I.A. FILING DATE 10/14/2005		PRIORITY DATE 10/14/2004

32790  
GARY L. SHAFFER  
901 BANKS PLACE  
ALEXANDRIA, VA 22312

CONFIRMATION NO. 1155  
371

ABANDONMENT/TERMINATION  
LETTER



## NOTIFICATION OF ABANDONMENT

Date Mailed: 06/11/2009

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 07/07/2008 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

JOHN L ANDERSON

Telephone: (703) 756-1430